

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HOLLY RYDMAN and SERIN NGAI,

Plaintiffs,

v.

CHAMPION PETFOODS USA INC and  
CHAMPTION PETFOODS LP,

Defendants.

CASE NO. 2:18-cv-01578-TL

ORDER GRANTING STIPULATED  
MOTIONS TO SEAL

This matter comes before the Court on the Parties' Stipulated Motions to Seal (the "Motions"). Dkt. Nos. 99, 119. Having reviewed the Motions and all supporting materials, the Court GRANTS the Motions.

**I. BACKGROUND**

Through their first Motion, the Parties ask the Court to allow them to file under seal twelve of Defendants' documents produced in discovery that Plaintiff intends to rely on in support of her Motion for Class Certification. Dkt. No. 99 at 1. In support of sealing, Defendants include a declaration from Erik Flakstad, their "Director, FPA and Treasury." Dkt. No. 99-1 ¶ 3.

1 With some detail, Flakstad explains that the twelve documents contain confidential information  
2 concerning Defendants' product strategy, market position, brand identity, internal procedures for  
3 labeling, ingredients, and formulae, and other competitively sensitive information. *Id.* ¶¶ 7–11.  
4 Flakstad avers that if the information were publicly released, Defendants would be competitively  
5 disadvantaged and harmed. *Id.* The Parties propose to file under seal unredacted versions of these  
6 twelve business records, and to file publicly available versions with the sensitive and proprietary  
7 business information redacted. Dkt. No. 99 at 2. The Parties' proposed redactions are substantial  
8 and leave little to be publicly viewed. *See* Dkt. No. 100. The Court notes that Plaintiff has  
9 separately filed under seal several documents attached to a declaration of Rebecca A. Peterson  
10 that appear to be some of the same sealed exhibits attached to the Flakstad Declaration. Dkt.  
11 Nos. 101-2, 102. But the Peterson Declaration does not reference the exhibits to the Flakstad  
12 Declaration or the motion to seal. And Plaintiff has not separately moved to seal the documents  
13 filed under seal at Docket No. 102.

14 Through their second Motion, the Parties ask the Court to allow them to file under seal  
15 seventeen of Defendants' documents produced in discovery that Plaintiff intends to rely on in  
16 support of her opposition to Defendants' Motion to Summary Judgment. Dkt. No. 119 at 1.  
17 Defendants include a new declaration from Flakstad in which he explains that portions of the  
18 seventeen documents contain confidential information concerning Defendants' product strategy,  
19 market position, brand identity, internal procedures for labeling, ingredients, and formulae, and  
20 other competitively sensitive information. Dkt. No. 120 ¶¶ 7–12. Flakstad avers that if the  
21 information were publicly released, Defendants would be competitively disadvantaged and  
22 harmed. *Id.* As with the first Motion, the Parties submit the documents under seal with their  
23 proposed redactions highlighted. Dkt. No. 121. The proposed redactions would remove the  
24 substance from public view. Plaintiff has again filed sealed documents attached to a declaration

1 of Rebecca A. Peterson that appear to be some of the same sealed exhibits to the second Flakstad  
2 Declaration. *See* Dkt. Nos. 129, 130. But the second Peterson Declaration does not reference the  
3 second Flakstad Declaration or the second Motion to Seal. And Plaintiff has not separately filed  
4 a motion to seal any of the records filed under seal at Docket No. 130.

## 5 II. LEGAL STANDARD

6 The party seeking to keep material filed under seal must meet either the “good cause” or  
7 “compelling interest” standard. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092,  
8 1101 (9th Cir. 2016). The “compelling interest” test applies if “the motion [related to which the  
9 materials are filed] is more than tangentially related to the merits of a case.” *Id.* If not, then the  
10 good cause standard will apply.

## 11 III. ANALYSIS

12 The Parties incorrectly state that the “good cause” standard applies to both Motions. The  
13 compelling interest standard applies to both Motions because the documents have been filed in  
14 support of two substantive motions that directly concern the merits of this action. Both the  
15 motion for class certification and motion for summary judgment are “more than tangentially  
16 related to the merits of a case.” *See Ctr. for Auto Safety*, 809 F.3d at 1101. Accordingly, the  
17 compelling interest standard, and not a good cause standard, applies.

18 “Under this stringent standard, a court may seal records only when it finds a compelling  
19 reason and articulate[s] the factual basis for its ruling, without relying on hypothesis or  
20 conjecture.” *Ctr. for Auto Safety*, 809 F.3d at 1096–97. The court must “conscientiously  
21 balance[ ] the competing interests of the public and the party who seeks to keep certain judicial  
22 records secret.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)  
23 (alteration in original) (internal quotation marks omitted) (quoting *Foltz v. State Farm Mut. Auto.*  
24 *Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). Examples of compelling reasons include when a

1 court record might be used to “gratify private spite or promote public scandal,” to circulate  
2 “libelous” statements, or “as sources of business information that might harm a litigant’s  
3 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598–99 (1978).

4 Defendants have demonstrated that the materials attached to Flakstad’s two declarations  
5 are properly sealed. Flakstad avers that the materials contain confidential and sensitive business  
6 information that, if revealed, would cause Defendants to suffer a competitive harm. And the  
7 briefs which cite these documents are publicly viewable without redaction, which demonstrates  
8 that the public still has access to the pertinent information from these sealed records sufficient to  
9 understand the issues the Parties dispute. Given these facts, the Court finds that Defendants have  
10 provided compelling reasons to seal these records. *See Nixon*, 435 U.S. at 598–99.

11 The Court notes that the Parties’ redactions remove the substance of the documents. But  
12 the Court cannot parse through the documents to determine what might not harm Defendants if  
13 revealed. And given that the briefs which cite these sealed records are publicly viewable, the  
14 Court finds such an exercise unnecessary.

15 The Court notes that Plaintiff has complicated the record by separately filing under seal  
16 some of the same sealed exhibits to the Flakstad Declarations. This unnecessarily confuses the  
17 docket because Plaintiff has not separately asked that these records be sealed or even cross-  
18 referenced them to the Motions or the Flakstad Declarations. In the future, the Court requires that  
19 only one set of documents be filed under seal with a motion to seal. Any filings that reference or  
20 rely on the sealed records should simply refer to the sealed records as filed on the docket.

#### 21 **IV. CONCLUSION**

22 Accordingly, it is hereby ORDERED:

- 23 (1) The Court GRANTS the Parties’ stipulated motions to seal (Dkt. Nos. 99, 119) and  
24 SEALS the exhibits filed at Docket Nos. 100, 102, 121, and 130.

1 (2) The Court DIRECTS Defendants to file redacted copies of the sealed exhibits to the  
2 Flakstad Declarations based on the proposed redactions **within seven (7) days** of  
3 entry of this Order.

4 (3) To clarify the docket, the Court DIRECTS Plaintiff to file a notice that cross-  
5 references the sealed exhibits to the Peterson Declaration to the sealed exhibits to  
6 the Flakstad Declarations. Plaintiff must file the notice **within seven (7) days** of  
7 entry of this Order.

8 Dated this 30th day of March 2023.

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Tana Lin  
11 United States District Judge  
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